

## Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 L-03 PC-01 IGA-02 SIL-01 LAB-04

/022 W

-----105453 101244Z /43

P 101131Z JAN 78

FM AMEMBASSY BAMA KO

TO SECSTATE WASHDC PRIORITY 8271

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FOR AF/W AND L; ALSO FOR PEACE CORPS LEGAL COUNSEL

AF/W ALSO FOR AMBASSADOR BYRNE

E. O. 11652: N/A

TAGS: PDIP APER ML

SUBJECT: REQUEST FOR INSTRUCTIONS REGARDING POSSIBLE LEGAL  
SUMMONS TO PEACE CORPS

REF: (A) 77 BAMA KO 2571, (B) 77 BAMA KO 2594, (C) 77 BAMA KO 2717,  
(D) BAMA KO 0112

1. SUMMARY. PEACE CORPS MALI MAY BE SUMMONED BY GRM TRIBUNAL ON  
SEVERANCE PAY DISPUTE WITH FORMER PC EMPLOYEE. INSTRUCTIONS  
REQUESTED. END SUMMARY.

2. REFTELS A THROUGH C DESCRIBE DEVELOPMENT OF SITUATION IN JUNE  
AND JULY 1977 WHICH LED TO TERMINATION BY PC/W OF AMADOU KEITA AS  
ASSOCIATE PEACE CORPS DIRECTOR FOR ADMINISTRATION. FOLLOWING TERM-  
INATION OF KEITA, PAYMENT OF SEVERANCE PAY WAS DELAYED BY PEACE  
CORPS PENDING REIMBURSEMENT FOR SHORTFALL IN CASH ACCOUNTS FOR  
WHICH KEITA, AS CLASS B CASHIER, WAS RESPONSIBLE. KEITA NOW  
REPEAT NOW PRESSING FOR IMMEDIATE PAYMENT SEVERANCE PAY, AND  
POSSIBILITY EXISTS OF MATTER BEING BROUGHT BEFORE MALIAN LABOR  
COURT UNDER PROVISIONS OF THE MALIAN LABOR CODE (REFTEL D).

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3. IN JUNE 30, 1977, CONVERSATION WITH MORIBA SISSOKO, DIRECTOR  
OF CABINET AT THE MINISTRY OF RURAL DEVELOPMENT (REF C), AMBAS-  
SADOR WAS ASSURED THAT USG COULD FIRE KEITA WITHOUT REFERENCE TO  
PROVISIONS OF THE MALIAN LABOR CODE GOVERNING TERMINATION,  
SPECIFICALLY THE REQUIREMENT OF A HEARING AND MINISTRY OF LABOR  
CONCURRENCE. OTHER SIMILAR STATEMENTS MADE DURING PERIOD TO

AMBASSADOR AND THE THEN DCM BY FOREIGN MINISTRY OFFICIALS.

4. AFTER TERMINATION OF KEITA BY PC/W JUNE 30 (REF C), HE FILED A COMPLAINT WITH THE REGIONAL LABOR INSPECTOR. CONVERSATIONS BETWEEN EMBASSY AND DIRECTOR OF LABOR INDICATED THAT PREVIOUS ASSURANCES ON INAPPLICABILITY OF LABOR CODE TO PEACE CORPS WERE ERRONEOUS, AND THAT IN FACT MINISTRY OF LABOR CONCURRENCE WOULD BE REQUIRED FOR THE TERMINATION OF KEITA. THE EMBASSY AND PEACE CORPS WERE INVITED TO SUBMIT A REQUEST FOR SUCH AUTHORIZATION FOR THE FIRING OF KEITA, AND NOTIFIED THAT IN THE MEANTIME HE WAS TO BE CONSIDERED IN "SUSPENSION." IN RESPONSE, EMBASSY AND PEACE CORPS SENT LETTER TO DIRECTOR OF LABOR REQUESTING "CONFIRMATION" FROM THE MINISTRY OF LABOR OF THE PC/W TERMINATION OF KEITA ON JUNE 30. AS A RESULT OF THESE COMMUNICATIONS, DIRECTOR OF LABOR ARRANGED A FACE-TO-FACE CONFRONTATION IN HIS OFFICE JULY 14 BETWEEN THE THEN-ACTING PCD, THE CONSULAR OFFICER, AND KEITA. EACH GROUP HAD SEVERAL "WITNESSES," AND, ALTHOUGH THE SESSION WAS ORIGINALLY DESCRIBED AS AN EXPLORATORY FACT-FINDING SESSION, IT TURNED INTO LONG AND DETAILED HEARING INTO THE CHARGES. EMBOFF PRESENT DID NOT REPEAT NOT FORMALLY ACKNOWLEDGE THE COMPETENCE OF GRM TO DECIDE WHETHER KEITA COULD BE FIRED, BUT STRESSED THE PRESENCE OF PEACE CORPS AND EMBASSY PERSONNEL AS INDICATIVE OF USG DESIRE TO CONFORM INsofar AS POSSIBLE WITH MALIAN METHODS OF LABOR RELATIONS. SEVERAL DAYS AFTER THIS HEARING, EMBASSY RECEIVED, UNDER COVER OF A FOREIGN MINISTRY NOTE, A LETTER FROM MINISTRY OF LABOR CONSENTING TO THE FIRING OF KEITA.

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5. ACTION REQUESTED: PROVIDE INSTRUCTIONS ON RESPONSE TO POSSIBLE LABOR COURT SUMMONS IN CURRENT DISPUTE WITH KEITA. IN PARTICULAR, MISSION NOTES THAT THE AGREEMENT OF 1971 INSTALLING THE PEACE CORPS IN MALI (TIAS SERIES 8178) MAKES NO SPECIFIC STATEMENT ON LEGAL IMMUNITY FOR PEACE CORPS. (IN PREVIOUS CASE, EMBASSY ATTEMPTED TO AVOID SETTING PRECEDENT BY REFUSING TO ACKNOWLEDGE COMPETENCE OF MALIAN LABOR COURT IN CASE.)

GRANER

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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